

NOTICE OF PUBLIC HEARING

D.T.E. 03-79

Petition of Bay State Gas Company for Approval of a Precedent Agreement between Bay State Gas Company and Tennessee Gas Pipeline Company, pursuant to G.L. c. 164, § 94A

The Department of Telecommunications and Energy ("Department") has received the petition of Bay State Gas Company, ("Bay State" or "Company") for approval of certain service agreements between the Company and Tennessee Gas Pipeline Company ("Tennessee"). These agreements pertain to Bay State's acquisition of pipeline capacity for its Lawrence Division. Under the agreements, Bay State will contract for incremental mainline capacity under Tennessee's rate schedule FT-A, at the recourse rate, for a term of ten (10) years beginning on November 1, 2004 with a maximum daily quantity of 17,000 Dth. Tennessee has also agreed to construct a new lateral from which Bay State has agreed to purchase, at a negotiated rate, an equivalent of 17,000 Dth of incremental lateral service under Tennessee's rate schedule FT-IL. The lateral agreement has a term of 10-years beginning on July 1, 2004. The Department will review the agreements to insure that they are consistent with the Company's portfolio objectives, and compare favorably to the range of alternatives reasonably available to the Company and its customers.

The Department has scheduled a public hearing to receive comments on the Company's petition on Wednesday, October 8, 2003, at 10:00 a.m., at the Department's offices, One South Station, 2nd Floor, Boston, Massachusetts 02110.

A copy of the Company's petition and filing is available for inspection at the Department's offices at One South Station, 2nd Floor, Boston, Massachusetts, between the hours of 9:00 a.m. and 5:00 p.m., and at the offices of the Company, 300 Friberg Parkway, Westborough, Massachusetts.

Any person who desires to participate in the evidentiary phase of the proceeding concerning the above petition must file an original and two copies of a written petition for leave to intervene not later than the close of business (5:00 p.m.) on Wednesday, October 1, 2003, with Mary L. Cottrell, Secretary, Department of Telecommunications and Energy, One South Station, 2nd Floor, Boston, MA. 02110, and one copy with the Company's attorney:

Patricia M. French
Bay State Gas Company
300 Friberg Parkway
Westborough, MA 01851
(508) 836-7039

A petition to intervene must satisfy the timing and substantive requirements of 220 C.M.R. § 1.03, including a description of the manner in which the petitioner is substantially and specifically affected by this proceeding. Receipt by the Department -- not mailing -- constitutes filing and determines whether a petition has been timely filed. A late filed petition may be disallowed as untimely, unless good cause is shown under 220 C.M.R. § 1.01 (4). To be allowed, a petition under 220 C.M.R. § 1.03 (1) must satisfy the standing requirements of G.L. c. 30A, § 10.

Please submit all your filings to the Department in electronic format using one of the following methods:

(1) by e-mail attachment to dte.efiling@state.ma.us; or (2) on a 3.5" disk, IBM-compatible format. The text of the e-mail or the disk label must specify: (1) the docket number of the proceeding [D.T.E. 03-79], (2) name of the person or company submitting the filing, and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and phone number of a person to contact in the event of questions about the filing. Text responses should be written in either Word Perfect (naming the document with a ".wpd" suffix), in Microsoft Word (naming the document with a ".doc" suffix) or as an Adobe PDF file (naming the document with a ".pdf" suffix). Data or spreadsheet responses should be compatible with Microsoft Excel. All comments submitted in electronic format will be posted on the Department's web site: <http://www.mass.gov/dpu>.

By Order of the Department,

MARY L. COTTRELL, SECRETARY